

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RICKY R. FRANKLIN,

Plaintiff,

v.

CITIMORTGAGE, INC.,

Defendant.

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CIVIL ACTION
NO. 1:15-CV-04396-LMM

**DEFENDANT CITIMORTGAGE, INC.'S MOTION FOR SUMMARY
JUDGMENT**

Defendant CitiMortgage, Inc. (“CMI”) hereby files this Motion for Summary Judgment and requests summary judgment on all counts in Plaintiff’s Complaint. As further set forth in CMI’s Supporting Memorandum of Law filed concurrently with this Motion, summary judgment in CMI’s favor on each of Plaintiff’s claims is appropriate in this case. First, Plaintiff’s quiet title claim fails because he lacks standing to challenge the validity of the assignment of the loan, lacks title to the property, and accordingly, cannot assert a claim under Georgia’s Quiet Title Act. Second, Plaintiff’s FDCPA claim fails because CMI is not a debt collector subject to the FDCPA as a matter of law. Finally, Plaintiff’s TCPA claim fails because the record reveals that the calls Plaintiff alleged CMI made to his cell

phone were manually dialed and were not placed with an auto-dialer. For these reasons, as well as those set forth in CMI's Supporting Memorandum of Law, CMI requests that the Court grant summary judgment in CMI's favor and dismiss Plaintiff's claims.

Dated this 7th day of July, 2016.

/s/ Sarah T. Reise

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Counsel for Defendant CitiMortgage, Inc.

CERTIFICATION OF COMPLIANCE WITH L.R. 5.1B

I hereby certify that the foregoing has been computer processed with 14 point Times New Roman font in compliance with the United States District Court for the Northern District of Georgia Local Rule 5.1B.

Dated: July 7, 2016

/s/ Sarah T. Reise
Sarah T. Reise
GA Bar No. 181567
Counsel for Defendant CitiMortgage, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I served a copy of this **DEFENDANT CITIMORTGAGE, INC.'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, and upon the following party via U.S. Mail:

Ricky R. Franklin, *pro se*
708 Brambling Way
Stockbridge, GA 30281

Dated: July 7, 2016

/s/ Sarah T. Reise
Sarah T. Reise
GA Bar No. 181567

*Counsel for Defendant CitiMortgage,
Inc.*